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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/575,597	04/13/2006	Thierry Aubert	FR-AM 1982 NP	1566
31684	7590	06/16/2011	EXAMINER	
ARKEMA INC. 900 First Avenue Bldg 4-2 King of Prussia, PA 19406			BOYLE, ROBERT C	
			ART UNIT	PAPER NUMBER
			1764	
			NOTIFICATION DATE	DELIVERY MODE
			06/16/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Attachment to Advisory Action

1. Applicants' amendment filed 6/3/2011 has been fully considered; however, the amendment has not been entered given that it raises other new issues that would require further consideration and/or search.
2. With respect to new issues, independent claim 1 has been amended to amend the transitional phrase from "comprising of" to "consisting of" and to state the urea is an "unsubstituted urea" from the specification. It is the examiner's position that this is a new issue since this combination was not presented before, i.e., claims dependent on 1 were not presented before with this combination. Therefore, the amendment would require further consideration and/or search.
3. Applicant's response filed 6/3/2011 has been fully considered but is not persuasive.
4. Since the amendment is not being entered for the reason given above, those arguments by the Applicant that concern newly added are rendered moot and thus need not be addressed. However, any arguments that do relate to the rejected claims as set forth in the preceding Office Action will be responded to in the discussion below.
5. Applicant argues that unexpected results are present in the instant invention that overcomes the obviousness rejections. This is not persuasive.
6. Unexpected results must compare the claimed subject matter with the closest prior art to be effective to rebut a prima facie case of obviousness. See MPEP 716.02(e), *In re Burckel*, 592 F.2d 1175, 201 USPQ 67 (CCPA 1979). The results presented by the specification on pg. 11,

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Table C compares the claimed combination of polysulfide and urea with comparative examples 3 and 4, where example 3 is the polysulfide alone and example 4 is the urea alone. However, Ecsedy teaches the use of the polysulfide in combination with other vulcanizing agents, such as MBTS, TMTMS, DETU, phenol formaldehyde resins and alkyl phenol disulfides (col. 4, ln. 6-13). Thus, the comparative data does not compare the claimed invention with the closest prior art.

7. Whether the unexpected results are the result of unexpectedly improved results or a property not taught by the prior art, the “objective evidence of nonobviousness must be commensurate in scope with the claims which the evidence is offered to support.” See MPEP 716.02(d). The data is not commensurate in scope with the claims because the components can be added in a mixture of from 10-90 wt% but the examples only provide data for the 80/20 combination (Table C) and the 50/50 combination (table F). It has not been shown that these two data points are sufficient to show unexpected results over the entire claimed range.

8. Additionally, the data does not show unexpected results because it would be expected that the addition of a second vulcanizing agent or accelerator would provide the “speed” in vulcanization. The data does not show how the reduced curing time in Tables C and F are more than expected.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT C. BOYLE whose telephone number is (571)270-7347. The examiner can normally be reached on Monday-Thursday, 9:00AM-5:00PM Eastern.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on (571)272-1119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ROBERT C BOYLE/
Examiner, Art Unit 1764

/Vasu Jagannathan/
Supervisory Patent Examiner, Art Unit 1764